

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

IGOR VIDYASHEV,

Plaintiff,

- against -

VISUAL ID SOURCE, INC.

Defendant.

Docket No. 2:18-cv-03117-JS-SIL

DECLARATION OF JAMES H. FREEMAN

I, JAMES H. FREEMAN, hereby swear under the penalty of perjury that the following is true and correct to the best of my personal knowledge:

1. I am counsel for plaintiff Igor Vidyashev ("Plaintiff") and am duly admitted to practice law in this District and in the State of New York.
2. I submit this declaration in support of Plaintiff's application for entry of default judgment against defendant Visual ID Source, Inc. ("Defendant") pursuant to Fed.R.Civ.P. 55(b) and Local Rule 55.2(b).
3. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.* and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).
4. The basis for entry of default is Defendant's failure to answer or otherwise appear to defend this action.
5. On June 8, 2018, a copy of the summons and complaint was served on Defendant via Mike K. [Certificate of Service, Dkt. No. 6] The deadline to file an answer or responsive pleading was June 29, 2018.

6. On December 19, 2018, upon Plaintiff's request, the Clerk of Court issued a Certificate of Default. [Dkt. No. 10]

7. Defendant is a company- not an individual - and therefore not a servicemember.

8. The Court may appropriately order a default judgment against Defendant on the issue of damages because there is only one named defendant.

9. For violation of 17 U.S.C. § 501, Plaintiff seeks \$2900.00 in actual damages for copyright infringement. *See* Memorandum of Law, filed concurrently herewith.

10. Plaintiff also seeks \$568.00 in costs pursuant to Fed.R.Civ.P. 54(d).

Costs

Date	Description	Total
5/25/18	Court filing fee	\$400.00
5/29/18	Personal service fee	\$168.00
TOTAL	-	\$568.00

11. No part of the Judgment sought has been paid, other than as indicated in the present motion.

12. Attached hereto as Exhibit A is a true and correct copy of the initiating complaint plus exhibits.

13. Attached hereto as Exhibit B is a copy of the affidavit of service of the summons and complaint.

14. Attached hereto as Exhibit C is the Certificate of Default from the Clerk of Court.

15. Attached hereto as Exhibit D is a contemporaneously prepared expense report.

Dated: June 25, 2021

Respectfully Submitted,

LIEBOWITZ LAW FIRM, PLLC

s/jameshfreeman/

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